

MINUTES OF THE  
REGULATORY COMMITTEE

held on 1 June 2023 at 7.30pm

Present:

Councillor R.J. Lee (Chair)

Councillors D.J.R. Clark, S. Davis J.A. Frasca, P. Wilson

1. Apologies for Absence

Apologies for absence were received from Councillors Bugbee, Chambers, Davey, Davidson, John, Pappa, Rajesh and Scott.

2. Election of Vice Chair

On the nomination of Cllr Frasca and seconded by Cllr Lee, Cllr D Clark was elected as Vice Chair of the Committee.

3. Minutes

The minutes of the meeting held on 23 February 2023 were agreed as a correct record and signed by the Chair.

4. Declaration of Interests

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

5. Public Question Time

There were no questions or statements from members of the public.

6. Taxi Licensing Policy Amendments (Euro 6 Compliance)

The Committee considered a report that detailed requests, that had been submitted by licence holders for an exemption to the Euro 6 requirement. The Committee were reminded of their decision in February 2020, which had made it a requirement for all licensed vehicles to be Euro 6 compliant by April 2024 and for any replacement vehicles to be Euro 6 compliant after 31<sup>st</sup> March 2020. Officers informed the Committee that due to four separate requests for exemption being received, it was felt that the matter should be brought to Committee for an overall decision rather than on a case by case basis.

Officers informed the Committee that the requests as detailed in the appendix to the report, had been made on the basis that the financial implications for replacing vehicles were more damaging post the Covid pandemic and cost of living crisis.

Officers detailed to the Committee that a total of 76 vehicles would be impacted if the policy was kept in place. Officers also stated that if the section of the policy was removed it would not be until 2027 that Euro 6 compliance would be reached as a result of licensed vehicles not exceeding 12 years in age.

Members of the Committee agreed that the financial environment was a different one to when their decision had originally been made in 2020. However, it was noted that, there had been sufficient notice given to the trade, from the original decision in 2020 and the impact in 2024. The Committee also noted that only four members of the trade had requested exemptions and no one had attended the meeting to speak in support of a change to the policy. Officers also clarified to the Committee that the matter had been brought to them at this stage, to allow a decision to be made in good time ahead of the 2024 deadline. This meant that the position would be confirmed either way, with sufficient notice before the 2024 deadline.

The Committee agreed to maintain the current policy and to not remove the Euro 6 compliance section at 3.4.4 of the Taxi Licensing Policy. The Committee felt the requirement was still necessary to assist with the Council's declared Climate and Ecological Emergency and there had been sufficient notice provided. The Committee also noted the lack of representations that had been put forward.

**RESOLVED** that the requirement for all licensed vehicles to be Euro 6 compliant by April 2024 be maintained.

*(7.32pm to 7.58pm)*

## 7. Taxi Policy Amendments

The Committee were asked to consider a review to the taxi policy, related to extenuating circumstances for current licenced drivers, who had failed all attempts at the Green penny training course. The Committee were also asked to consider appropriate action for existing drivers who had not attempted to pass the training.

Officers informed the Committee that the current policy did not advise what to do in the situation that a currently licenced driver had failed the test the maximum four times. Officers asked the Committee for delegated authority to consider situations like this at an officer level, and to consider extenuating circumstances or where the failure was marginal. Officers also asked for delegated authority to suspend or apply other action, where no attempts had been made to pass the test.

The Committee agreed that in situations where the fail had been marginal or there were other extenuating circumstances, they would be happy with the decision being taken at officer level in consultation with the Chair. The Committee also agreed that if no efforts had been made to attempt to pass the test, that officers should have the authority to suspend the licence with immediate effect.

**RESOLVED** that

1. Authority be delegated to the Public Health & Protection Services Manager to suspend a licence where a licenced driver had failed four attempts at passing the training by some margin and;

2. Authority be delegated to the Public Health and Protection Services Manager, in consultation with the Chair to apply exemptions to the taxi driver licence test where there are extenuating circumstances and where the failure of the test is marginal and;
3. Authority be delegated to the Public Health and Protection Services Manager, in consultation with the Chair to suspend a taxi driver licence, where no attempt had been made to pass the training.

(7.pm to 7.pm)

## Exclusion of the Public

Resolved that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for Item 8 on the grounds that it involved the likely disclosure of exempt information falling within paragraph 1 of Part 1 of Schedule 12A to the Act.

### 8. Application for a Hackney Carriage/ Private Hire Dual Licence

*Public interest statement: It is not in the public interest to disclose the content of the report because the information in it concerns the interests and circumstances of an individual who has an expectation that such information would not normally be released to the public. To do otherwise would establish a precedent for the future treatment of personal information.*

The Committee was informed that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, a district council should not grant a licence to drive a hackney carriage or private hire vehicle unless it was satisfied that the applicant, amongst other criteria, is a fit and proper person to hold such a licence. It was noted by the Committee that there is no statutory definition of what constitutes a fit and proper person, but that Chelmsford City Council had established its own guidelines which the Committee was required to have regard to when determining applications.

The Committee was informed that they were being asked to consider an application for a dual hackney carriage/ private hire drivers licence by Mr R and to determine whether or not they were a fit and proper person to be granted the licence.

Members were advised that the following options were available to them;

- a) to grant the licence as applied for
- b) to grant the licence as applied for, but for a shorter period than the normal three years
- c) to refuse the application

Officers introduced the matter to the Committee. The Committee heard that Mr R had 10 penalty points on their DVLA licence and therefore the application could not be considered at Officer level. The Committee heard that the points were for various speeding offences along with an offence for driving without due care and attention. It was noted that the points were received when the applicant was a previously licenced driver by the Council, but they did not inform the Council of the points, which was a requirement of their licensing conditions.

Mr R attended the meeting and apologised for the driving offences. They informed the Committee that they had improved their driving standards since the offences took place. They stated that they did not inform the Council of the points, because they feared that they might lose their taxi licence as a result. They also stated that the majority of the points came from driving a personal vehicle, with only one of the offences taking place in a taxi, albeit it without passengers present.

In response to questions from the Committee, Mr R informed the Committee that they had previously attended a speed awareness course and that the offence for driving without due care and attention had been in a quiet industrial estate car park with nobody nearby.

The Committee gave careful consideration to the officers' report and to the representations made at the meeting by Mr R.

**RESOLVED** that Mr R's application for a dual Hackney Carriage and Private Hire Vehicle driver's licence be refused, on the basis that Committee is not satisfied that he is a fit and proper person to hold such a licence.

### **Reasons for decision**

The fact that Mr R had accrued 10 points on his driving licence gave the Committee cause for concern. The 10 points related to three driving offences (driving without due care and attention, followed by two speeding offences) which had all been committed within the space of little over one year. Prior to the first offence, Mr R had by his own admission attended a speed awareness course (offered by the police as an alternative to prosecution for an endorsable offence). All three offences had been committed during the period that Mr R had held a Hackney Carriage/ Private Hire Vehicle drivers licence. Although Mr R had informed the Committee that only one of the offences had been committed while he was driving a licenced taxi and that no passengers were in the vehicle at the time, the Committee did not feel that this mitigated the seriousness of the matter, taken as a whole. The Council's *Guidelines Relating to the Relevance of Convictions* advised (among other things) that endorsable motoring convictions should be considered since a poor driving record may raise doubts about the applicant's fitness to drive the public or indicate disrespect for the law. The Committee considered that the pattern of driving offences committed by Mr R in the space of little over one year amounted to a poor driving record and indicative, at the time, of a disrespect for the law, albeit the Committee was prepared to accept that Mr R was now seeking to move forward and improve his driving standards.

The Committee was also concerned over that fact that Mr R had knowingly and deliberately failed on three separate occasions to disclose to the Council's Licensing Section the fact that he had been convicted of a driving offence. The Committee appreciated Mr R's honesty in admitting to it that he failed to disclose the offences because he feared that he might lose his licence. However, there was no excuse for these failures to disclose.

In all the circumstances, the Committee could not be satisfied, at this point in time, that Mr R was a fit and proper person to hold a Hackney Carriage/Private Hire

Vehicle driver's licence. It therefore followed, as a matter of law, that the Committee was bound to refuse the application.

9. **Urgent Business**

There were no matters of urgent business.

The meeting closed at 8.26pm

Chair